

the former carrier has given a power of attorney or concurrence. (See § 221.233.)

(Approved by the Office of Management and Budget under control number 3024-0038) [ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1271, 46 FR 63218, Dec. 31, 1981]

**§ 221.231 Adoption supplements and revised title pages to be filed to former carrier's tariffs.**

At the same time that the adoption notice is issued, posted, and filed pursuant to § 221.230, the adopting carrier shall issue, post and file with the Board:

(a) A consecutively numbered supplement to each effective tariff (loose-leaf or book) issued by the former carrier which shall be prepared in accordance with the form set forth in § 221.247 and shall contain no matter other than that required by the prescribed form, and

(b) A revised title page, on lawful notice, to each effective loose-leaf tariff issued by the former carrier for the purpose of specifically showing the name of the adopting carrier in lieu of the former carrier's name wherever the latter appears on the title page.

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**§ 221.232 Receiver shall file adoption notice and supplements.**

A receiver shall, immediately upon assuming control of a carrier, issue and file with the Board an adoption notice and adoption supplements as prescribed by §§ 221.230 and 221.231 and shall comply with the requirements of this subpart. An adoption notice filed by a receiver shall be numbered consecutively in the tariff series of C.A.B. numbers of the former carrier and all subsequent tariffs issued by the receiver shall be consecutively numbered in that series. When such receivership relationship is terminated, the carrier taking over the assets shall file an adoption notice and adoption supplements in conformity with §§ 221.230 and 221.231.

**§ 221.233 Agents' and other carriers' tariffs shall reflect adoption.**

If the former carrier is shown as a participating carrier under concur-

rence in tariffs issued by other carriers or is shown as a participating carrier under power of attorney in tariffs issued by agents, the issuing carriers and agents of such tariffs shall, upon receipt of the adoption notice, promptly file on statutory notice the following amendments to their respective tariffs:

(a) Cancel the name of the former carrier from the list of participating carriers. Such cancellation shall make reference to the substitution notice required by paragraph (c) of this section.

(b) Add the adopting carrier (in alphabetical order) to the list of participating carriers. Such addition shall make reference to the substitution notice required by paragraph (c) of this section. If the adopting carrier already participates in such tariff, reference to the substitution notice shall be added in connection with such carrier's name in the list of participating carriers.

(c) Add the following substitution notice (following the list of participating carriers):

SUBSTITUTION NOTICE

\_\_\_\_\_ (Show adopting carrier's name) by its Adoption Notice C.A.B. No. \_\_\_\_\_ having taken over the tariffs, etc. of \_\_\_\_\_ (Show former carrier's name) is hereby substituted for \_\_\_\_\_ (Show former carrier's name) wherever the latter appears in this tariff (as amended).

Where the former carrier is specifically named in other parts of the tariff, the adopting carrier's name shall be specifically shown in lieu thereof whenever the issuing carrier or agent next has occasion to amend such parts of the tariff for other reasons.

[ER-439, 30 FR 9439, July 29, 1965, as amended by ER-1038, 43 FR 1323, Jan. 9, 1978]

**§ 221.234 C.A.B. numbers of tariffs issued by adopting carrier and method of publishing reference to C.A.B. numbers of former carrier's tariffs.**

(a) *Numbering adopting carrier's tariffs.* Except as otherwise provided in § 221.232, the adopting carrier shall consecutively number its adoption notice and tariffs in its own tariff series of C.A.B. numbers, and not in the series of the former carrier. If the adopting carrier has not filed tariffs with the

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Board previous to its adoption notice, the adoption notice shall be designated C.A.B. No. 1 and subsequent tariffs shall be consecutively numbered C.A.B. Nos. 2, 3, 4, 5, etc.

(b) *Method of publishing reference to former carrier's tariffs* (This paragraph is not applicable where adopting carrier is a receiver or other fiduciary). Any supplements or loose-leaf pages filed to, any amendments directed of, or any references to the tariffs of the former carrier shall show directly in connection with the C.A.B. number that such number is in the series of the former carrier, for example:

(1) If the adopting carrier issues and files a tariff which cancels a tariff issued by the former carrier, the title page of the new tariff shall set forth its C.A.B. number and the cancellation of the former tariff in the manner shown in the following example:

C.A.B. No. 2

cancels

C.A.B. No. 5

(John Doe Air Co. series)

(2) If the adopting carrier issues a supplement to a tariff issued by the former carrier, the title page of the supplement shall set forth the supplement and C.A.B. numbers in the manner shown in the following example:

Supplement No. 6

to

C.A.B. No. 5

(John Doe Air Co. series)

Supplements Nos. 5 and 6 are the only effective supplements

(3) If the adopting carrier issues a revised or original page to a loose-leaf tariff issued by the former carrier, the page shall set forth the C.A.B. number and page reference in the manner shown in the following example:

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C.A.B. No. 5

(John Doe Air Co. series)

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**§221.235 Concurrences or powers of attorney to be reissued.**

(a) *Adopting carrier shall reissue adopted concurrences and powers of attorney.* Within a period of 120 days after the date on which the change in name or transfer of operating control occurs, the adopting carrier shall reissue all effective powers of attorney and concurrences of the former carrier by issuing and filing new powers of attorney and concurrences, in the adopting carrier's name, which shall direct the cancellation of the respective powers of attorney and concurrences of the former carrier. The adopting carrier shall consecutively number its powers of attorney and concurrences in its own series of power of attorney numbers and concurrence numbers (commencing with No. 1 in each series if it had not previously filed any such instruments with the Board), except that a receiver or other fiduciary shall consecutively number its powers of attorney or concurrences in the series of the former carrier. The cancellation reference shall show that the canceled power of attorney or concurrence was issued by the former carrier, for example:

Concurrence No. 1

(cancels Concurrence No. 6 issued

by John Doe Airways Co., Inc.)

If such new powers of attorney or concurrences confer less authority than the powers of attorney or concurrences which they are to supersede, the new issues shall not direct the cancellation of the former issues; in such instances, the provisions of §§221.212 and 221.222 shall be observed. Concurrences and powers of attorney which will not be